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The press: a working freedom

THE PRESS, which is in the business of reporting news, made news this week. Apoplectic about news leaks, President Reagan announced a scheme to police the flow of information emanating from the White House. The Polish government warned it would expel journalists who spoke to the opposition. Mayor Kevin



Ken
Auletta

White of Boston railed against The New York Times.

None seem to comprehend that the one business in which a free market works is the news business. "It's like trying to hide a bull fiddle in a Paris taxicab," says George E. Reedy, former press secretary to President Lyndon Johnson and now a professor of journalism at Marquette University. "The modern world has abolished secrecy." If reporters can't get the story from the White House, they'll get it from those the

White House must talk to.

"Why do people leak?" asks Times White House correspondent Steven R. Weisman. "Because it's in their interest to leak. And that you can't eliminate." Just as you can't eliminate—to paraphrase Reagan—self-interest, greed, competitive instincts, or free thoughts. The government of Poland's tanks won't be able to suppress that appetite. Nor will Mayor White's refusal to answer serious charges of local corruption lessen the press' incentive to pursue the story.

Total press freedom is not an unalloyed blessing, however. Reagan, like every president dating back to George Washington (who scolded feuding Cabinet members Thomas Jefferson and Alexander Hamilton), has a right to want his government to speak with one voice. Moreover, Reagan is correct to complain that we too rarely telegraph the motives of those who give us anonymous quotes.

"When the press prints a leak without producing the reasons for the leak, a choice is made," says Harvard Law Prof. Charles Nessen, a student of the press. "And the choice is made without much thought—'We have to protect our sources!'"

Just this past week some reporters, said Gov. Mario Cuomo, demanded total access to the negotiating table at Sing Sing prison. Cuomo properly observed that reporters have no right to sit in on sensitive negotiations that could have endangered 17 hostages and countless prisoners. In this case, the press' right to know collided with the obligations of government. Just as it does in war when the press does not publish information about troop movements.

Then there is the question of prosecutors who leaked about various Abscam cases, a violation of the law few

reporters dwell on. For example, there is a growing body of evidence that one of the victims of those leaks, Kenneth MacDonald, former chairman of New Jersey's Casino Control Commission, was innocent. MacDonald, his good name lynched by published innuendo, died last April of cancer. But just this week his family won the right from a federal judge to sue *Time* magazine for libel.

Like any business, journalism spends more time thinking about ends than means. Take Lyle Denniston, Supreme Court reporter for the Baltimore Sun. At a recent media and society seminar sponsored by the Columbia School of Journalism and aired on public television, Denniston sounded like an uncaged animal.

The question asked by Columbia Law Prof. Benno C. Schmidt Jr. at this Socratic seminar was whether it was justifiable to steal documents from the desk of former CIA Director James Schlesinger in order to get a story. The dialogue went this way:

"Prof. Schmidt, as a journalist I have only one responsibility and that is to get a story and print it," said Denniston. Would you steal documents to get a story? asked Schmidt. "I would," answered Denniston. Would you break in and enter his office to get the documents? "No problem," answered the reporter, who went on to say: "It isn't a question of justification in terms of the law. It's a question of justifying it in terms of the commercial sale of information to interested customers."

Most journalists would, I think, be as appalled at what Denniston said as were those in the room who gasped when he said it. But cutting corners to get a good story is not unheard of in journalism.

ALL OF WHICH suggests that some "leaks" should be controlled. Can they be controlled? In most cases, no. Are leaks the true source of the frustration expressed this past week by Reagan, the government of Poland, and the mayor of Boston? I think not.

In Reagan's case, the politically damaging leaks—about how Reagan is relatively uninvolved in the budget process, or how difficult it is to get him to budge from ideological prejudices that do not square with economic reality—were merely the inevitable surfacing of the truth.

The public, witness the latest Gallup Poll showing leading Democrats trouncing Reagan in 1984 trial heats, has turned on Reagan's supply-side and anti-government nostrums. The Congress is appalled at his ignorance. "Losing football teams have leaks. Losing presidents have leaks," says former CBS News President Fred Friendly, who teaches journalism at Columbia.

Reagan's beef is with the public, not the press. But: "It doesn't do the President any good to blame the people who no longer agree with his policies," observes Reedy, who wrote one of the better books on the modern American presidency. "So they blame the press. It's like the guy with a lot of troubles at work who goes home and kicks his dog . . . Every President who has to deal with it becomes frustrated by democracy."